

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA DIVISION

In re: BARBARA ANN BADY)	
<u>Debtor(s)</u>)	
)	CHAPTER 13
SANTANDER CONSUMER USA INC.)	
<u>Moving Party</u>)	Case No.: 16-18690 (AMC)
v.)	
)	
BARBARA ANN BADY)	
KARL BADY)	11 U.S.C. 362
<u>Respondent(s)</u>)	
)	11 U.S.C. 1301
WILLIAM C. MILLER)	
<u>Trustee</u>)	
)	
)	
)	

**CERTIFICATION OF DEFAULT BY DEBTOR IN VIOLATION OF STIPULATION
APPROVED ON MARCH 27, 2018 AND REQUEST FOR EX PARTE RELIEF FROM
THE AUTOMATIC STAY AND CO-DEBTOR STAY**

Comes Santander Consumer USA Inc. ("Santander") filing this Certification of Default and ex parte request for relief from the automatic stay and co-debtor stay and hereby certifies;

1. That on March 27, 2018, the Court entered an Order approving a Stipulation providing for an arrearage cure, monthly payments to Santander, and for relief from the automatic stay and co-debtor stay under certain circumstances.
2. Paragraph three of the Stipulation provides that the debtor is to cure arrears by making her regular monthly payment of \$270.46 plus an additional \$306.92 (total payment of \$577.38) per month for the months of March through June 2018 directly to Santander.
3. Paragraph four (4) of the Stipulation provides that following the arrearage cure as set forth above, if the Debtor fails to make any payment to Santander within thirty (30) days after it falls due, Santander may send, via facsimile and regular mail, the Debtor and counsel a written notice of default of the Stipulation. If the default is not cured within ten (10) days of the date of the notice, counsel may file a Certification of Default with the Court and serve it on all interested parties, and the Court shall enter an Order granting relief from the automatic stay and co-debtor stay.

4. In violation of the Stipulation, the debtor has made payments totaling just \$4,572.00 of the \$6,095.57 due through August 2019, for a default per the terms of the Stipulation in the amount of **\$1,523.57**.
5. On August 26, 2019, Santander served a 10-day default letter on the debtor, and her attorney, in accordance with the Stipulation. To date, the default(s) have not been cured.
6. As a result of the defaults stated in paragraph four (4) of this Certification, Santander is entitled to stay relief and co-debtor stay relief as to the non-bankrupt co-debtor Karl Bady in regards to personal property described as a 2009 Chevrolet Malibu bearing vehicle identification number 1G1ZH57B09F215420.

Respectfully submitted:

/s/ William E. Craig

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Local Counsel for Santander Consumer USA Inc.